

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
★ OCT 02 2017 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ERIC JOHNSON,

Plaintiff,

-against-

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
17-CV-00056 (AMD) (JO)

PEP BOYS-MANNY, MOE & JACK OF DELAWARE,  
INC.,

Defendant.  
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**Ann M. Donnelly, United States District Judge:**

On December 2, 2016, the plaintiff Eric Johnson commenced this action in New York Supreme Court, Queens County, against the defendant Pep Boys – Manny, Moe & Jack of Delaware, Inc., for personal injuries sustained as a result of Pep Boys' alleged negligence. (ECF No. 1-2.) On January 5, 2017, the defendant removed the case to this court. (ECF No. 1.) Since the commencement of this case, the plaintiff has not appeared at two court-ordered conferences, and has not complied with his discovery obligations. (ECF Nos. 15, 19, 22.) As a result of the plaintiff's non-compliance, on July 24, 2017, United States Magistrate Judge James Orenstein issued a Report and Recommendation in which he recommended that the plaintiff's complaint be dismissed with prejudice for failure to prosecute. (ECF Nos. 19, 22.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed. (ECF No. 22.)

I have carefully reviewed Judge Orenstein's well-reasoned Report and Recommendation for clear error, and find that there is none. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *Mt. Hawley Ins. Co. v. Abraham Little Neck Dev. Grp., Inc.*, No. 09-cv-3463-PKC-ARL, 2015 WL 867010, at \*1 (E.D.N.Y. Feb. 27, 2015) (reviewing Report and Recommendation for clear error

where no objections were made). Thus, I adopt the report and recommendation in its entirety.  
The plaintiff's complaint is dismissed with prejudice.

**SO ORDERED.**

s/Ann M. Donnelly  
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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
October 2, 2017